

**IN THE  
UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

**UNITED STATES OF AMERICA**

**v.**

**THOMAS VINCENT GIRARDI**

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**No. 23-CR-00054**

**Judge Ronald A. Guzman**

**UNOPPOSED APPLICATION FOR DETERMINATION OF  
COMPETENCY PURSUANT TO 18 U.S.C. § 4241(a)**

Seema Ahmad, appointed counsel from the Federal Defender Program, respectfully submits this unopposed application for a determination of competency. The following information is submitted in support of this request.

1. On January 31, 2023, an indictment was filed in the Central District of California in case number 23-CR-00047-JLS<sup>1</sup> charging Mr. Girardi with wire fraud related to the alleged embezzlement of client funds in his capacity as their attorney. (23-CR-47, Dkt. No. 1.)

2. On February 1, 2023, an indictment was also filed against Mr. Girardi in the Northern District of Illinois. It also charges Mr. Girardi with wire fraud in relation to client funds but the allegations are separate from the California case.

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<sup>1</sup> References to the docket in the California case will include the case number. References to the docket in the Northern District of Illinois case will not.

3. Mr. Girardi is represented by federal public defenders in the California case and undersigned defense counsel was appointed in the Chicago case on March 3, 2023. (Dkt. No. 37.)

4. Mr. Girardi was released on bond in both cases. (23-CR-47, Dkt. No. 28.); (Dkt. No. 39.)

5. He is living in an assisted living facility in Southern California where he is on a floor reserved for dementia patients. (Dkt. No. 38.)

6. On February 3, 2023, counsel in the California case filed an application for competency proceedings on behalf of Mr. Girardi. That application, which includes medical records and other sensitive information, was filed under seal. (23-CR-47, Dkt. No. 19.)

7. On February 6, 2023, Magistrate Judge Karen L. Stevenson in the California case issued an order under seal referring the case for competency proceedings pursuant to 18 U.S.C. § 4241(a). (23-CR-47, Dkt. No. 20.)

8. That Order is filed concurrently with this application *under seal* as Exhibit A.

9. There is additional cause for an order for competency proceedings in this case. Magistrate Judge Cummings's order following the initial appearance states, "It was apparent from the materials filed on the docket and the proceedings on the record in open court that defendant is suffering

from a mental disease that likely rendered it difficult for him to understand the nature and consequences of the proceeding.” (Dkt. No. 37.)

10. Mr. Girardi is also under a conservatorship due to dementia. The order appointing his brother, Dr. Robert Girardi, as his conservator is filed *under seal* concurrently with this application as Exhibit B.

11. For all of these reasons, Mr. Girardi seeks an order for competency proceedings in this case.

WHEREFORE, for the reasons referenced above, Mr. Girardi through his counsel seeks an order for competency proceedings in this matter.

Respectfully submitted,

FEDERAL DEFENDER PROGRAM  
John F. Murphy,  
Executive Director

By: s/ Seema Ahmad.  
Seema Ahmad  
Counsel for Thomas Vincent Girardi

SEEMA AHMAD  
FEDERAL DEFENDER PROGRAM  
55 E. Monroe Street  
Suite 2800  
Chicago, Illinois 60603  
312-621-8300

**CERTIFICATE OF SERVICE**

The undersigned, Seema Ahmad, an attorney with the Federal Defender Program hereby certifies that in accordance with FED.R.CRIM. P. 49, FED. R. CIV. P5, LR5.5, and the General Order on Electronic Case Filing (ECF), the following document(s):

**UNOPPOSED APPLICATION FOR DETERMINATION OF  
COMPETENCY PURSUANT TO 18 U.S.C. § 4241(a)**

was served pursuant to the district court's ECF system as to ECF filings, if any, and were sent by first-class mail/hand delivery on March 8, 2023, to counsel/parties that are non-ECF filers.

By: /s/ Seema Ahmad  
SEEMA AHMAD  
FEDERAL DEFENDER PROGRAM  
55 E. Monroe St., Suite 2800  
Chicago, Illinois 60603  
(312) 621-8344